

Federal Defenders OF NEW YORK, INC.

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COURTESY
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July 20, 2006

Honorable Cheryl Pollak
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: U.S. v. Rayon Blackwood, 06 CR 397 (NE6)

Dear Judge Pollak:

I write to you to request that you schedule a continued bail hearing on the above case for July 31, 2006 between 9:00 and 10:45 or after 4:00 or on August 1st. I write to you because chambers has reported that you have stated that such an application should go to the duty magistrate. I am compelled, and AUSA Kavanagh agrees, to request the hearing before you because we were so instructed by Magistrate Judge Levy on July 12.

Blackwood was arrested and charged with distribution and possession with intent to distribute of more than 50 grams of crack on May 10. On May 15 and May 17 this Court heard contested bail applications and set \$200,000 bond. The Court took the signatures of his father Vernon who had approximately \$4,000 monthly in various disability payments and several hundred thousand dollars in retirement accounts, his sister Venice who makes \$35,000 per year as the manager of Papa John's Pizzeria in Harlem, his aunt Julliete Saunders who makes \$18,000 per year working for United Home Care and Charmaine Newton who owns and runs Peaches Jamaican Restaurant earning approximately \$45,000 per year. The Court required that in addition a piece of property be posted. I represented Blackwood's brother in Los Angeles as a possible source of such property.

The bond was never completed. Blackwood's brother reported that he could not post the marital residence co-owned with his wife because their relationship was already severely troubled. After several interim appearances on May 25, 2006, Magistrate Pohorelsky denied my application to release Blackwood on what was already posted with leave to make another application to modify bail if I was unable to obtain further surety. Blackwood was indicted, pled not guilty and on July 10 at the first appearance before him, Judge Garaufis referred my renewed bail application to the duty magistrate.

On July 10 and July 12 I offered Charmaine Newton's house with approximately \$200,000 in equity. However, the house was co-owned by her daughter and Ms. Newton was unwilling to ask her to sign as she had nothing to do with Blackwood. Judge Levy accepted the government's argument that the house was not adequate property given that only one owner was signing. He ruled that we had not satisfied the final condition of the bond. I then argued that the ability of the government to obtain a judgement, post a lien and bar alienation of the house in any way was a significant other form of surety sufficient, when added to the four substantial signatures, to guarantee Blackwood's return to court. Judge Levy ruled that he did not wish to modify a bond set by this Court. He instructed myself and AUSA Kavanagh that we should make the application to this Court.

AUSA Kavanagh and myself seek to make this application before this Court, pursuant to Magistrate Levy's instruction. Although AUSA Kavanagh strongly objects to the relief I request, she agrees that we are both required by Magistrate Levy's ruling to make the request to this Court.

Respectfully,



Peter Kirchheimer, Esq.

PK/aic

c: AUSA Colleen Kavanagh
ECF

*Hearing set for 8/1
at 4:00 p.m.*

So Ordered

Cheryl Pollak

WST

7/21/06